

KNOX COUNTY PUBLIC INFORMATION POLICY

Policy Title:	Public Information Policy
Applicable Law or Regulation:	Maine Revised Statute Title 1, Chapter 13: Maine's Freedom of Access Act
Approved:	May 10, 2016
Approved by:	Knox County Commission

Knox County recognizes the rights of the public to certain information, which is guaranteed under Maine's Freedom of Access Law as outlined in 1 M.R.S. Chapter 13. The law provides that public proceedings and public records are to be open to the public.

The Knox County Commission adopted this comprehensive public records policy on June 9, 2015. This policy will assure that public records within the custody and control of the County are open and available to the public; that requests to inspect and copy records are evaluated promptly and handled consistent with the Maine Freedom of Access Law and that persons requesting to inspect and copy public records in the custody and control of the County know the procedures and guidelines that apply to those requests. The County Administrator serves as the designated public access officer and is responsible for ensuring that public record requests are acknowledged within a reasonable amount of time and that a good faith estimate of when the response to the request will be complete is provided.

RECORDS COVERED BY THIS POLICY

Public Records

Public records include any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of the County, that has been received or prepared for use in connection with the transaction of public or county governmental business or contains information relating to the transaction of public or governmental business. Although most public records received, stored or prepared by the County are currently in paper form, the County interprets the definition of public records to encompass other forms such as audio or video recordings, photographs and computerized or electronically stored records.

The law does not require the County to compile, summarize or create a record if one does not already exist, but requires the County to transcribe or translate existing records or data into a form that may be inspected or copied. If the record is electronically stored, the County must provide the record either as a printed document or in the medium in which the record was stored, except that the County is not required to provide access to an electronically stored public record as a computer file if the County does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with the file (1 M.R.S. § 408-A(7)). The County is also not required to provide the public with access to a computer terminal to access records.

Non-Public Records

In Maine, there are over 300 statutory exceptions to the Freedom of Access Act's definition of a public record. Many of these exceptions specifically designate a certain type of record, or a class of information within a record, as confidential or otherwise not subject to the Freedom of Access laws. For example, 22 M.R.S.A. § 1711-C (2) specifically provides that an individual's health care information is confidential and cannot be disclosed unless authorized by that individual. Consequently, this information will not be subject to a Freedom of Access request.

A search tool maintained by the Maine Legislative Council on behalf of the Maine Right to Know Advisory Committee has been developed that allows you to search by keyword or category for statutory exceptions to the Freedom of Access Law: <http://www.mainelegislature.org/legis/foa/>

INSPECTION OF OR REQUESTING COPIES OF PUBLIC RECORDS

Anyone wishing to review, inspect or have copies made of public records shall have the right to do so during the regular business hours of the custodian or location of the record requested. The records will be made available within a reasonable amount of time after the request is made (1 M.R.S. § 408-A). The County can schedule the time for your inspection, conversion and copying of the records during regular business hours, and at a time that will not delay or inconvenience the regular activities of County offices.

Making a Request

The County of Knox requires that requests for inspection or copies of public records be put into writing using the County's Public Information Request Form. Copies of this form can be obtained at the County Administration Office or on the County website: <http://www.knoxcountymaine.gov>, or you may request to have a copy of the form emailed to you. The written request should note the information requested and be very specific as to what information is being requested. If a particular document is required, it should be identified precisely – preferably by author, date, and title. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what time frame and what subject the records should contain.

COUNTY RECORDS PUBLISHED ON THE COUNTY WEBSITE

The County web site is <http://www.knoxcountymaine.gov>. A variety of County records (i.e.: County budgets, policies, financial audits, minutes of meetings, agendas, and information on various topics, etc.) are available on the County's website for public inspection and download and are available free of charge. Please check the County's website before making your request as the records you are seeking may already be available to you.

CHARGES FOR COPIES OF PUBLIC RECORDS

There is no fee for submitting a request for public records; however, the County does charge fees for copying records. The law also allows for the time spent searching for, retrieving, compiling or redacting confidential information from the requested records. The law authorizes agencies or officials to charge \$15 per hour after the first hour of staff time per request (1 M.R.S. § 408-A(8)(B)). If conversion of a record is necessary, the County may also charge a fee to cover the actual cost of conversion.

The County will prepare an estimate of the time and cost required to complete a request and if the estimate is greater than \$30, the County will notify the requester before proceeding with fulfilling the request. The County will request payment of the costs in advance if the estimated cost exceeds \$100 or if the requester has previously failed to pay a fee properly assessed under the Freedom of Access Act (1 M.R.S. § 408-A(9),(10)).

The County is only required to make available for inspection and copying (subject to any applicable exemptions) those public records that exist on the date of the request. Those seeking to inspect or obtain copies of public records on a continuing basis are required to make a new request for any additional records sought after the date of the original request.

A schedule of fees for copies of records is attached to this policy. Charges are subject to change without notice. For services and copies through means other than listed on the schedule, charges will be established based on cost to the County.

PUBLIC MEETINGS

Regular Meetings

Agendas for Regular meetings of the County Commission are posted on the County's web site, on the bulletin board and table outside the Administration Office located at Knox County Courthouse at 62 Union Street in Rockland, and are emailed, upon release of the agenda, to anyone who has signed up on the County's website to receive agendas via email. The email containing the agenda is also automatically sent to members of the news media. The monthly activities calendar of the County is also posted available to the public.

Agendas for the regular meeting are posted no later than the Friday before the regular meeting, which is held on the second Tuesday of the month, unless otherwise voted by the board.

Special Meetings

Notices of all special meetings shall be posted as soon as possible after the date of the meeting has been set. Distribution of the agenda is the same as for Regular meetings.

COUNTY COMMISSION MEETING AGENDAS

If a member of the public wishes to address a concern to the Commission at one of the Regular Meetings, he/she may do so during the Public Comment portion at the start of every Regular Commission meeting. If the concern requires a discussion or that an action be taken by the Commission, the matter must be placed on the agenda for the meeting in question. To have an item placed on the agenda, the request and any information pertaining to the request must be submitted to the County Administrator by noon on the Thursday prior to the Commission meeting. If the County Administrator feels that more information is needed, or that the current agenda does not allow for additional items, he/she may withhold the item from the agenda until a later date, or schedule a Special Commission meeting at his/her discretion.

EXECUTIVE SESSIONS

Meetings that are confidential in nature are not open to the public; however, all meetings shall be convened in open session, and if an executive session is warranted, the reason for the closed session shall be so stated in the motion made, including a citation of one or more sources of statutory or other authority that permits an executive session for that business, and voted by the Commission prior to going into executive session.

The following are the statutory citations and reasons for executive sessions:

Statutory Citation	Reasons for Executive Session
1 MRS 405 § (6)(A)	Personnel Matters – including discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual, public officials, employees, or the investigation or hearing of charges or complaints against a person – if public discussion could reasonably be expected to cause damage to the reputation or the individual's right to privacy would be violated; the person charged or investigated shall be permitted to be present; any person may request in writing that the investigation or hearing be conducted in open session; any person bringing charges shall be permitted to be present.
1 MRS 405 § (6)(C)	Acquisition of real property – if premature disclosures of the information would prejudice the competitive bargaining position of the County.
1 MRS 405 § (6)(D)	Labor Negotiations – the parties must be named before going into executive session – both parties must agree if the session is to be held in the open.
1 MRS 405 § (6)(E)	Consultations with Legal Counsel – concerning the legal rights and duties of the Commission, pending or contemplated litigation, settlement offers, and matters where the duties of the public body's counsel to his client clearly conflict or where premature general public knowledge would clearly place the County at a substantial disadvantage.

1 MRS 405 § (6)(F)	Discussion contained in records – when accessed by the general public to those records is prohibited by statute.
1 MRS 405 § (6)(G)	Discussion of examination results – for employment purposes – regarding the content of an examination; and review of examinations with the person examined.

No final or official action of the Commission can be taken in an executive session.

OTHER INFORMATION

Reasons for Request(s)

While the County is not prohibited from asking a person(s) why they have made the request(s), anyone requesting information is not required to provide a reason for seeing information and the request cannot be denied based on the person's refusal to give a reason for the request.

Written Requests for Information to be kept

All written requests for information, along with a copy of the documentation provided to the person(s) requesting the documentation, shall be kept on file in the County Administration Office as a public record.

Appeals

If the County denies the request or partially denies the request for information, the refusal shall be provided in writing stating the reason(s) for denial. This denial shall be provided within five (5) business days of the request for inspection or copies of information. Any person aggrieved by denial may appeal within thirty (30) calendar days to the Superior Court. If Superior Court determines that the denial was not for just and proper cause, it shall enter an order for disclosure.

More information on the State of Maine's Freedom of Access Act

For more information, go to the State of Maine's website on the subject at: <http://maine.gov/foaa>.

Fee Schedule

Department	Item	Charge
District Attorney's Office	Discovery [Non-Public Record]	If Court Ordered: Free First Set: Free Additional Sets: \$.50 per sheet
County Administration Office (includes any records/information requested that may come from the Finance Office, Communications, EMA, the County Jail, etc.)	Copies of letter-sized (or smaller) documents Copies of legal-sized (or larger) documents Time spent by County staff researching fulfilling requests	\$0.50 per page \$1.00 per page \$15 per hour after the first hour
EMA	B & W "ANSI E" print (34"x44" or \$0.67/sq ft) Color "ANSI E" print (\$0.87/sq ft)	\$7.00 per print \$9.00 per print (Printing on Mylar adds \$1.00/print)
Registry of Deeds	Plan (Recorded in Registry) Plan (Citizen walk-in) Certified Copy Fee Record Books (copier method) Record Books (faxed method) Records sent via Email Records via the website	\$5 \$5 \$5 \$1 per page \$2 per page \$1 fee plus \$0.50 per page \$0.50 per page
Probate Court	All Documents (copier method) All Documents (faxed method)	\$1.00 per page \$1.00 per page plus \$2.00
Sheriff's Office	Accident Reports (picked up at Office) Accident Reports (obtained online) Police Reports	\$10 \$15 \$7 fee plus \$1 per page

Fee Schedule Updated: 5/10/16

COUNTY OF KNOX

PUBLIC RECORDS ACCESS REVIEW FORM

Forms must be completed and forwarded to the County Administrator no later than the end of the next business day of the request date.

Person Requesting Information	Date of Request _____
Name: _____	
Address: _____	

Telephone _____	Fax: _____
Email address: _____	
Description of Record(s) being requested: _____	

Date: _____
County Administrator's Determination: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Partially Denied
Explanation for Denial or Partial Denial: _____

Signature: _____

Date Information Picked Up: _____
Description of Information Provided: _____

Signature: _____

Appeal Rights: Denials may be appealed to the Maine Superior Court, consistent with the time limits, procedures and requirements set out more fully in the Maine Freedom of Information Act.